

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**ARIEL ACOSTA ORTIZ AND
MARILYN HERNANDEZ, Personally
and on behalf of the CONJUGAL
PARTNERSHIP constituted by both
and of THEIR MINOR AGED
CHILDREN MARYVELISSE ACOSTA
AND JOHN ANTHONY HERNANDEZ**

CIVIL NO. 98-2446 (PG)

Plaintiff

v.

**DEN CARIBE I, INC., d/b/a DENNY'S
RESTAURANTS (PUERTO RICO)**

Defendant

RECEIVED & FILED
 1999 DEC 30 AM 7:49
 CLERK'S OFFICE
 U.S. DISTRICT COURT
 SAN JUAN, P.R.

TAXATION OF COSTS

A Bill of Costs having been filed in this case pursuant to Fed. R. Civ. P. 54(d), 28 U.S.C. §§ 1920 et seq., the Taxation of Costs Guidelines (the "Guidelines"), and the Local Rules of this Court, the Clerk hereby proceeds to tax the costs as follows:

Item	Ruling	Policy
Fees of the Clerk \$150.00	<input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed <input type="checkbox"/> Not Applicable	The filing fees of the Clerk are taxable if incurred by the claimant.
Fees for service of summons and complaint \$45.00	<input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed <input type="checkbox"/> Not Applicable	Fees for service of process (whether served by the U.S. Marshal or other person authorized by Fed. R. Civ. P. 4) are allowed. Expenses incidental to service by publication pursuant to the Puerto Rico Rules of Civil Procedure are also allowed.
Fees for courier services	<input type="checkbox"/> Allowed <input type="checkbox"/> Disallowed <input type="checkbox"/> Not Applicable	The fee for use of a courier service is considered an ordinary litigating expense, not taxable as an allowable cost absent prior Court authorization.
Reporter's Transcripts	<input type="checkbox"/> Allowed <input type="checkbox"/> Disallowed <input type="checkbox"/> Not Applicable	The cost of the original of all or any part of a trial transcript, daily transcript or a transcript of matters occurring before or after trial, shall be authorized if requested or authorized by the Court, or prepared pursuant to stipulation.

Civil No. 98-2446 (PG)

Page -2-

Costs incident to taking of depositions	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Allowed Disallowed Not Applicable	Deposition costs include: reasonable fees of the deposition reporter, the notary and any other persons required to report or transcribe depositions; reasonable witness fees paid to a deponent, including expert witness deponents; reasonable fees of an interpreter when necessary to the taking of the deposition; cost of reproducing exhibits used at the deposition and made a part of the deposition transcript. "[I]f depositions are either introduced in evidence or used at trial (impeachment purposes or in successful motion for summary judgment), their costs should be taxable to the losing party. It is with the discretion of the district court to tax deposition costs if special circumstances warrant it, even though the depositions were not put in evidence or used at the trial." <u>Templeman v. Chris Craft Corp.</u> , 770 F.2d 245, 249 (1st. Cir. 1985), cert. denied, 474 U.S. 1021 (1985). See also, <u>Gochis v. Allstate Insurance Co.</u> , 162 F.R.D. 248, 251-252 (D.C. Mass. 1995).
\$506.40			
Stenographic fees for depositions	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Allowed Disallowed Not Applicable	Stenographic fees for depositions may be allowed only when the deposition is introduced in evidence or used at trial (impeachment purposes or in successful motion for summary judgment). Only the cost of the original deposition shall be taxed.
Fees and disbursements for certification, exemplification (demonstrative evidence) and reproduction of documents necessarily obtained for use in case	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Allowed Disallowed Not Applicable	The following costs are allowed: copies of an exhibit attached to a document necessarily served and filed; copies of original documents filed which are served to the other parties; copies of documents admitted into evidence when the original is not available or the copy is substituted for the original at the request of opposing party; fees for original certification of proof respecting the non-existence of a document or record; notary fees incurred in notarizing a document when the cost of the document is taxable. Copies for a party's pleading files are considered a convenience to that party in preparation for trial and are not taxable absent prior Court authorization. Costs for exemplifications are recoverable pursuant to 28 U.S.C. § 1920(4), only upon Court order in advance or during trial, to include: summaries, computations, polls, surveys, statistical comparisons, maps, charts, diagrams, and other visual aids reasonably necessary to assist the jury or the Court in understanding the issues at trial; photographs admitted in evidence; models.
\$107.10 (RATE \$0.10/copy)			
Premiums on undertakings and bonds	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Allowed Disallowed Not Applicable	Premiums paid on undertakings, bonds, security stipulations, or substitutes therefor are taxable where required by law or court order.

Civil No. 98-2446 (PG)

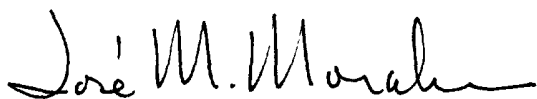
Page -3-

Witness fees and allowances	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Allowed Disallowed Not Applicable	Fees and allowances for witnesses who testify or appear before a person authorized to take his deposition (in those instances where the deposition is an allowable cost) pursuant to rule or order of the Court shall be allowed, whether their attendance was procured by subpoena or was voluntary, pursuant to 28 U.S.C. § 1821. Fees for witnesses who attend but do not testify shall be allowed only upon order of the Court. Actual and necessary expenses for travel, meals and housing or the allowance as computed at government rates, whichever is less, may be allowed. The Clerk's Office Finance Section will provide current government rates).
Interpreters and Translators \$300.00	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Allowed Disallowed Not Applicable	Salaries, fees, expenses and costs of interpreters, as provided by 28 U.S.C. §§ 1827-1828, and fees for translation of documents received in evidence, are taxable. Expenses incurred in translating documents filed to the English language are also allowed. Local Rule 108.1.
Attorney's fees	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Allowed Disallowed Not Applicable	Attorneys' fees are not taxable as costs against the losing party. However, the party or counsel requesting assessment of attorneys' fees must comply with the applicable substantive statutes.
Costs on appeal	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Allowed Disallowed Not Applicable	Costs on appeal are governed by Fed. R. App. P. 39(e) and shall be taxed upon presentation of a mandate of the Court of Appeals to recover costs taxed by the Appellate Court.

Costs are taxed at \$1,108.5 payable by DEFENDANT in conformity with 28 U.S.C. §§ 1920 et seq., and other applicable statutes. Pursuant to Fed. R. Civ. P. 54(d), the party against whom costs are claimed shall serve and file a Motion to Review setting forth specific objections to any item of cost taxed, within five (5) days of receipt of the Clerk's notice taxing costs. Unless a timely Motion for Review of the allowed costs is filed, the Clerk's determination will become final.

In San Juan, Puerto Rico, this 29TH day of December, 1999.

**FRANCES RIOS DE MORAN
CLERK OF COURT**



José M. Morales, Chief Deputy Clerk